

## **REMARKS/ARGUMENTS**

### **Summary**

Claims 1-11 are pending in the application. Claims 2, 4, 6, 7, 10 and 11 have been amended. Claims 1, 3, 5, 8 and 9 have been cancelled. Claim 12 has been added. Claims 2, 4, 6, 7 and 10-12 are pending in the application. The amendments to the claims are supported in the specification. No new matter has been added.

### **Rejections**

#### **35 U.S.C. § 102/103**

##### *A. Claims 1-3*

In the Office action, the Examiner rejected claims 1-3 under 35 U.S.C. §102(a)/(b) as being anticipated by Grummert et al. (U.S. Patent No. 6,368,505) or Schmidt et al. (6,916,420) or Rogemont (U.S. Patent No. 4,701, 234) or Applicants' own admission, figures 1, 3 and 4 of the disclosure. Applicants have added new claim 12 and cancelled claims 1 and 3. Applicants respectfully traverse this rejection.

New claim 12 recites, "wherein the plurality of longitudinal-opposed feed and retenate apertures include a flowable sealing resin that is drawn into the filtrate screen, wherein said sealing resin extends into the filtration passageways so as to eliminate the formation of non-uniformities in fluid flow therethrough." Thus, the structure of claim 12 provides a sealing resin extending into the filtration screen in order to eliminate the formation of non-uniformities in fluid flow therethrough or dead spots. (Specification,

page 10, lines 8-14).

Grummert et al. provides an “improved cross-flow filter cassettes for the filtration of liquid media, which are used in cross-flow filtration devices of varying pump outputs that can be fitted with non-reinforced membranes. The cassettes comprise at least one retenate separator in which the inlets to the open perforations designed to form one type of channel, for example for retenate discharge, are larger than the inlets to the open perforations designed to form another type of channel, for example for fluid feed.”

(Abstract). The cross-filter cassette includes a retenate spacer 2 made up of a fabric 1 and having holes 3, 4, 5 where the holes are open and form fluid feed channels 6. (Column 3, lines 55-62). However, Grummert et al. does not suggest, anticipate or disclose that there is a sealing resin in the fluid feed channel 6 as it goes to the open hole 3. In fact, Grummert et al. says “fluid to be filtered press through feed channel 6 via the greater inlets to open holes in 3 in flow slit (FIG. 3), which is built into the membrane adjacent retenate spacer 2 . . .” (Column 4, lines 5-15). Thus, Grummert et al. does not contemplate using a sealing resin in the feed channel 6 in order to eliminate the formation of non-uniformities in fluid flow therethrough or dead spots, because it is only concerned with providing improved filter cassettes that can be operated in cross-flow filtration systems. (Column 2, lines 25-32).

With respect to Schmidt et al., the invention provides “an improved wide passage cross-flow filtration cassette is disclosed that incorporates an open mesh matrix retenate spacer that is dimensional and oriented so as to improve flux and cause turbulence in the flow of flow fluids through the cassette.” (Abstract). Also, the invention shows a cross-

flow filtration cassette 1 that includes a multiplicity of adjacent flat filtration cells arranged in a stack. (Column 3, lines 29-33). However, Schmidt et. al. does not anticipate, suggest or disclose using a sealing resin in order to eliminate the formation of non-uniformities in fluid flow therethrough or dead spots because this invention is only concerned with providing at least one retenate spacer that provides throughput of the fluid feed.

For the Rogemont al., this invention provides “The process of the invention concerns the manufacture of an interposed support of semipermeable microfiltration membranes, the support composed of a permeable mesh and a sealed border of elastomeric material.” (Abstract). However, Rogemont et. al. does not anticipate, suggest or disclose using a sealing resin in the feed channel in order to eliminate the formation of non-uniformities in fluid flow therethrough or dead spots because this invention is only concerned with obtaining interposed supports having borders which provide the seal without any addition of adhesive, wherein these borders also have a very uniform contour.

Thus, Grummert et al., alone or in combination with Schmidt et al. and Rogemont does not anticipate, suggest or disclose using a sealing resin in the feed channel in order to eliminate the formation of non-uniformities in fluid flow therethrough or dead spots.

Accordingly, Applicants respectfully submit that new independent claim 12 is allowable. Claim 2, which depends from independent claim 12, is allowable because independent claim 12 is allowable. Applicants respectfully request that the rejection be withdrawn and claim 2 as amended be allowed.

*b. Claims 4 and 5*

In the Office action, the Examiner rejected claims 4 and 5 under 35 U.S.C. §102(a)/(b) as being anticipated by Grummert, et al. or Schmidt et al. or Rogemont or Applicants' own admission, figures 1, 3 and 4 of the disclosure. Applicants have added new claim 12 and canceled claim 1. Applicants respectfully traverse this rejection.

Since the new independent claim 12 is patentable because it overcomes the Examiner's rejections to Grummert et al., Schmidt et al. in view of Rogemont et al. as discussed above, this amended independent claim 12 and dependent claims 4 and 5 overcomes the Examiner's rejections. Applicants request the Examiner to withdraw the rejection of claims 4 and 5 as amended.

*C. Claims 6-11*

In the Office action, the Examiner rejected claims 6-11 under 35 U.S.C. §102(a)/(b) as being anticipated by Grummert, et al. or Schmidt et al. or Rogemont et. al. or Applicants' own admission, figures 1, 3 and 4 of the disclosure. Applicants have added new claim 12 and canceled claim 1. Applicants respectfully traverse this rejection.

Since the new independent claim 12 is patentable because it overcomes the Examiner's rejections to Grummert et al., Schmidt et al. in view of Rogemont et al. as discussed above, this amended independent claim 12 and dependent claims 6-11 overcome the Examiner's rejections. Applicants request the Examiner to withdraw the rejection of claims 6-11 as amended.

## New Claim

Applicants have added claim 12. The specification supports the addition of this claim. (Specification, page 10, lines 1-14).

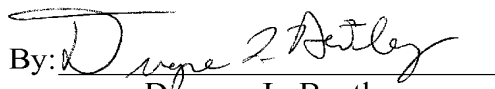
## Conclusion

Pending claims 2, 4, 6, 7, 10 and 11 and new claim 12 are patentable. Therefore, in view of the above amendments, Applicants respectfully submit that this application is in condition for allowance and such action is earnestly requested. If for any reason, however, the Examiner feels that a telephone interview would be helpful in resolving any remaining issues the Examiner is respectfully requested to contact Applicants' undersigned attorney.

Applicants respectfully assert that the claims are in allowable form and earnestly solicit the allowance of the claims 2, 4, 6, 7 and 10-12.

Respectfully submitted,

GE Healthcare Bio-Sciences Corp.

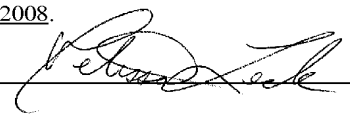
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